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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/621,295	07/17/2003	Duanfeng He	1400-3 CIP (1501 CIP)	2488
7590	10/05/2004		EXAMINER	
George Likourezos, Esq. Carter, DeLuca, Farrell & Schmidt, LLP Suite 225 445 Broad Hollow Road Melville, NY 11747			NGUYEN, KIMBERLY D	
			ART UNIT	PAPER NUMBER
			2876	

DATE MAILED: 10/05/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/621,295	HE, DUANFENG	
	Examiner	Art Unit	
	Kimberly D. Nguyen	2876	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on _____.
 2a) This action is FINAL. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-26 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) Claim(s) _____ is/are allowed.
 6) Claim(s) 1-26 is/are rejected.
 7) Claim(s) _____ is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input checked="" type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>7/17/03</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Amendment

1. Acknowledgement is made of Preliminary Amendment filed 9 August 2004.

Election/Restrictions

2. Claims 1-26 have been elected and claim 27 has been non-elected/withdrawn from consideration by Mr. Likourezos (representative for Applicant) on 24 September 2004 (see attached Interview Summary).

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-26 are rejected under 35 U.S.C. 102(e) as being anticipated by Hertz et al. (US 6,366,696; hereinafter “Hertz”).

Re claims 1-2, 7, 14-15, 18, 20, 23 and 25: Hertz teaches a system for reading an optical code and verifying the read optical code (see abstract) comprising:

an imaging engine (camera 14, barcode reading software 22, and terminal 16 in fig. 1)
having an array of image sensors (bar code location and orientation determining module 34 in fig. 3 having color conversion module 50, edge detection module 62, magnitude analysis module 64, phase analysis module 66, etc (see col. 3, line 46 through col. 4, line 6; col. 3, lines 24-28; col. 3, lines 33-35), which is an array of image sensors/detectors) for sensing an image of an

object and an optical code associated with the object and generating respective object image data and optical code image data (“The visual bar code recognition method captures a color image of an object containing a bar code.” (col. 1, lines 26-27; col. 2, line 41 through col. 3, line 45));

a database (30 in fig. 1) storing a plurality of digital codes and an object image data entry associated with each respective digital codes of the plurality of digital codes, wherein the object image data entry associated with a digital code of the plurality of digital codes represents at least one image of an object that is assigned the digital code (col. 2, lines 55-62); and

a processing unit (12 in fig. 1) for receiving the object image data and the optical code image data from the imaging engine, the processing unit comprising:

a code generation software module (bar code reading software 22 in fig. 1) for generating at least one digital code that corresponds to the optical code image data;

a database query module for accessing at least one object image data entry stored in the database associated with at least one respective stored digital code that substantially matches the respective at least one generated digital code (col. 2, lines 6-11; col. 2, line 55 through col. 3, line 4); and

a comparator module (see fig. 6) for comparing the generated object image data with the at least one accessed object image data entry (col. 5, lines 26-52).

Re claim 3: Hertz teaches the imaging engine images the optical code during a first imaging operation and generates the optical code image data and images the object during a second imaging operation and generates the object image data (col. 2, lines 55-62).

Re claims 4-6 and 8-9: Hertz teaches the stored object image data entry associated with a digital code of the plurality of stored digital codes includes non-image data (i.e., color, size,

shape, texture, etc.) indicative of at least one characteristic of the object assigned the digital code (col. 1, lines 49-52; col. 2, lines 55-62; col. 3, lines 36-40; col. 5, lines 1-38).

Re claims 10-12, 16-17 and 21: Hertz teaches the code generation software module includes an optical character recognition (OCR) software module (38 in fig. 2) for performing optical character recognition processing on the optical code image data for generation of the at least one digital code (col. 3, lines 8-45; col. 5, lines 1-25); and generates an estimated accuracy score (error detection and/or probability and/or threshold levels; (col. 4, lines 58-67)) associated with respective generated digital codes of the at least one digital code (as claimed in claim 11).

Re claims 13, 19, 22, 24 and 26: Hertz teaches the comparator module determines if the comparison results are within a predetermined image recognition certainty threshold (image threshold module 74; col. 4, lines 41-45).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kimberly D. Nguyen whose telephone number is 571-272-2402. The examiner can normally be reached on Monday-Friday 7:30-4:30.

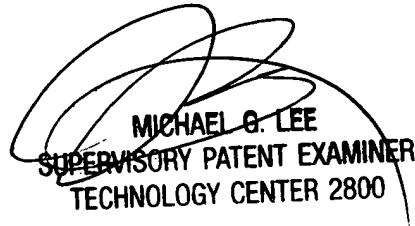
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached on 571-272-2398. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2876

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



KDN
30 September 2004



MICHAEL G. LEE
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